APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,936	06/12/1998	TIMOTHY DARLAND	CDR97007	2377

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WORLDCOM, INC.
TECHNOLOGY LAW DEPARTMENT
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EXAMINER
LUTHER, WILLIAM A

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/096,936	DARLAND ET AL.
		Examiner	Art Unit
		William A. Luther	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16-35* is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *20-35* is/are allowed.

6)☒ Claim(s) *1-14 and 16-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Background

The instant application for U.S. Letters patent contends that new services and

enhancement of existing services in an Integrated Services Network (ISN) are achieved

by expensive modifications to prior art, i.e., Automatic Call Distributors combined with

Applications Processors (ACD-APs). This U.S. Letters patent further contends that ISN

providers are subject to costs for new services and enhancement due to development

costs incurred by ACD vendors. The instant application for U.S. Letters patent then

contends that its claimed use of a prior art Programmable Switch (made by Excel Inc.)

is less expensive when combined with patent applicant's Switch Controller. Applicant

contends that this alternative combination provides the same new services and

enhancement for less cost when compared to those development costs incurred due to

ACD vendors.

Double Patenting

Application claims 1-14 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over U.S. Patent No.

6,480,597 to Kult et al ('597). Although the conflicting claims are not identical, they are

not patentably distinct from each other.

Considering application claim 1, the application claims "an intelligent service

network, comprising: a programmable switch, and a switch controller coupled to said

programmable switch, and including a service control means for interfacing with an

intelligent service network component of said intelligent service network." Thus, the application claims the intelligent network itself and some of its parts. The patent differs from the application in that the patent claims, among other things, the switch controller. However, this patented switch controller covers software that is designed to interface with the intelligent network (and its parts).

The patented switch controller is programmed with software to interface with the programmable switch ("programmable switch support").[1] This patented interfacing software thus suggests the switch itself.

Similarly, the patented controller is also programmed with software to interface with an intelligent service network component ("a service control"). This patented software is claimed again in the application, this time as "a service control means." The difference is that the application employs language provided under 35 USC 112 6th and the patent does not. However, the support is the same. See footnote 1. The application is somewhat broadening because it would cover software and its equivalents whereas the patent covers software only. For these reasons, the patent suggests the application.

Considering application claim 2, as mentioned above, the patent covers "a service control interfacing with an intelligent service network component." Patent Claim 1. This is software that interfaces with the network component. See footnote 1. This suggests the network component itself.

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[1] Both the application and the patent teach " . . . software routines of the switch controller 112 are categorized into five functions: programmable switch support function 404, call control function 406, service control function 408, resource control function 410, and management interface function 412." See Page 20 of the instant specification. See mirroring teaching in the patent at col. 9.

Considering application claim 3, as discussed, the patent covers "programmable switch support." Patent Claim 1. This is software. See footnote 1. The application claims the same software in a manner provided under 35 USC 112 6th paragraph. Doing such thus broadens that which is already patented because it would cause the application to cover software and its equivalents.

Similarly, the patent covers software claimed as "call control." Patent claim 1. This is software. See footnote 1. The application claims the same software in a manner provided under 35 USC 112 6th paragraph. Doing such thus broadens that which is already patented under the same rationale discussed for "service control means."

Considering application claim 4, also under the same rationale, this application claim is obvious in that the patent covers software referred to as "resource control" (Patent claim 1) and the application claims the same software employing 112 6th, i.e., "resource control means."

Considering application claim 5, for similar reasons, the patented "management interface" suggests the application claimed "management interface means."

Considering application claim 6, the patented "programmable switch" suggests the application claimed "digital exchange."

Considering application claim 7, official notice is taken that the following were well known in the intelligent network art: "one of an operator console, an automated response unit, a service switching control point, and a protocol converter." The

patented "intelligent service network component" (Patent claim 1) would thus suggest that which is well known for the benefit inherent to the same (e.g., an automatic response unit improves system efficiency because it is operable without a person.)

Considering application claim 8, official notice is also taken that the following were also well known in the intelligent network art: "one of a means for accessing data, and a means for interfacing with a caller." The patented "intelligent service network component" would have thus suggested, for example, a database (i.e., one of a means for accessing data) because intelligent networks contemplate real-time authorization code verification, and that requires accessing a database.

Considering application claim 9, official notice is taken that the following was well known: "one of a network information distribution system database . . . via a network information distribution system server, an applications database, a data distribution system database, and a mainframe database." The patent "intelligent service network component" would have thus suggested such well known databases for the benefit of providing flexible private network services that can verify codes and reconfigure services.

Considering application claim 10, the patent covers the controller programmed with software claimed as "system management interface." See Patent claims 1, 7, and 8. This (and applicable patented language) suggests the application's "a system management system coupled to said switch controller."

Considering application claim 11, similarly, the patent covers software referred to as "a force management interface." This suggests the application's "force management system."

Considering application claim 14, official notice is taken that intelligent networks having more than one intelligent component was well known. It would have been obvious to provide that due to the expandable and/or re-configurable nature as that contemplated for well known intelligent networks.

Application claims 16-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over '597 in view of U.S. Pat. No. 5,826,030 ('030.)

Considering claims 16-19, the patent suggests the application claims as discussed above although not necessarily multiple controllers, programmable switches, and network components, and one or more external network resources. However, U.S. Patent No. 5,544,163 ('163) (which is incorporated-by-reference into '030) suggests the same although not necessarily multiple components. (The office action issued on June 27, 2002 discusses various suggestions made by '163 and '030. This discussion is hereby incorporated-by-reference.) Further, official notice is taken that multiple network components, in intelligent networks, were known to the ordinary artisan as discussed above. To employ such would have been obvious due to the nature of intelligent networks: they are designed to be reconfigured and/or expanded (i.e., adding and reconfiguring both services and components.)

The following is an examiner's statement of reasons for indicating allowability. Prior art of record [2] does not appear to suggest the claimed combination including: the message interface "means for communicating with an intelligent service network component using transmission control messages"(claim 20, noting that claims elements are interpreted under 112 6th paragraph); the method for setting up a call to an intelligent service network including the instant assignee's transmission control (TC) messages (claim 23); the method for setting up a call originated via a public switched telephone network to an intelligent service network component including "selecting by a switch controller the intelligent service network component" and "sending by said switch controller a call offered signal to the intelligent service network component" (claim 25); a the method for connecting a call from an intelligent service network component to a terminating party via a public switch telephone network including "receiving by a switch controller from the intelligent service network component a request to connect the call to the terminating party indicating a type of the call" (claim 26); the method for disconnecting a call established between a public switched telephone network and an intelligent service network component including "receiving by a switch controller a termination signal obtained form a calling device interconnected to the public switched telephone network indicating that the call is being terminated (claim 27); "a switch controller configured to generate the program instructions to the switch for disturbing the call to a plurality of network components based on availability of the network components, where the network components and the switch controller are connected

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[2] The American Inventors Protection Act has removed art that was previously available as prior art.

over a common data network" (claim 30); a method for processing a call including

"selectively disturbing the call to one of the ports corresponding to the network

components based on availability of the network components, wherein the network

components have connectivity to a common data network" (claim 35).

Also, a personal interview was held on or about Thursday, February 12, 2004. In

attendance was this primary patent examiner as well as the patent applicant's

representative, Mr. Stephen Carlson. The examiner and applicant's representative

discussed the claimed technology, Excel switches, and claimed subject matter

considered by applicants to be patentable.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

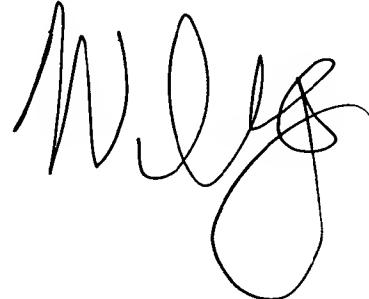Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William A. Luther whose telephone number is (703) 308-

6609. The examiner can normally be reached on T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

William Luther
Primary Examiner